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100. (New) A method for advertisement selection, comprising:
- (a) means for receiving from an advertiser Web site feedback representing user transactions at the advertiser Web site, the user transactions resulting from user response to at least one of a plurality of direct advertisements;
- (b) means for receiving a request to display a direct advertisement to a user; and
- (c) means for selecting, in response to the request and the advertiser feedback, one of the plurality of direct advertisements for display based on a predictive model.
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REMARKS

This application is a continued prosecution application (CPA) of U.S. Patent Application No. 09/094,949, filed June 15, 1998.

Applicants have replaced the previously pending claims with new claims in order to better present the invention to the Examiner.¹ Accordingly, claims 85-100 are now pending in the present application. Claims 85, 90, 95 and 100 are the independent claims.

Applicants respectfully request reconsideration of the application with respect to claims 85-100 in light of the following remarks.

¹ In the 7/31/2001 Office Action, the Examiner concluded that "Applicants define feedback on performance at the paragraph spanning pages 16-17." This conclusion appears to be based upon Applicants' prior 5/14/2001 Response to Office Action, in which Applicants merely referenced one of many possible paragraphs to illustrate an embodiment of the invention as claimed. Applicants respectfully submit that the Examiner's ensuing claim interpretation overlooked the plain meaning of the terms, and did not accord the broadest reasonable interpretation consistent with the specification.

The Claims Are Not Anticipated by Kohda, Angles, or Marsh

The Examiner rejected at least the former independent claims 63, 70, 77, and 84 under 35 U.S.C. 102(b) as being anticipated by Kohda (May 1996 article entitled "Ubiquitous advertising on the WWW: Merging advertisement on the browser"), and under 35 U.S.C. 102(e) as being anticipated by Angles (U.S. Patent No. 5,933,811) and Marsh (U.S. Patent No. 5,848,397). Applicants respectfully traverse these rejections, and submit that each pending claim is patentably distinguishable over Kohda, Angles, and Marsh.

Each independent claim in the present invention (claims 85, 90, 95 and 100) recites, in varying forms, elements directed to receiving from an advertiser Web site feedback representing user transactions at the advertiser Web site, the user transactions resulting from user response to at least one of a plurality of direct advertisements, and selecting one of the plurality of direct advertisements for display based at least in part upon the advertiser feedback.

Kohda, Angles, and Marsh each fail to teach or disclose any of these elements. Accordingly, they cannot anticipate the independent claims of the present application.

Since all pending dependent claims depend from and further limit their respective independent claims, Applicants respectfully submit that all of the pending claims, for at least the reasons described above, are not anticipated by Kohda, Angles, or Marsh under 35 U.S.C. § 102.

The Claims Are Non-Obvious Over Kohda, Angles and Marsh

The Examiner rejected various former dependent claims under 35 U.S.C. 103(a) as being unpatentable over Kohda, Angles, and Marsh, either in combination with other references or in combination with knowledge of one of ordinary skill in the art.

Applicants respectfully submit that the Examiner does not establish a *prima facie* case of obviousness, because the suggestions or motivations provided by the Examiner do not cure the deficiencies of Kohda, Angles, and Marsh (the 35 U.S.C. § 102 art) as explained above.

Accordingly, Applicants submit that all of the pending claims, independent and dependent, are non-obvious over Kohda, Angles, and Marsh under 35 U.S.C. § 103.

CONCLUSION

It is respectfully submitted that the foregoing remarks demonstrate that the application is in condition for allowance and prompt notification thereof is requested.

Attached hereto is a marked-up version of the changes made to the claims by the current Response to Office Action. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

The Office is authorized to charge the three-month extension of time fee of \$920.00 to Deposit Account No. 11-0600. Although not believed necessary, the Office is hereby authorized to charge any additional fees required under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayments to Deposit Account No. 11-0600.

The Examiner is invited to contact the undersigned to discuss any matter regarding this application.

Respectfully submitted,

KENYON & KENYON

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

All previously pending claims (claims 63-84) have been canceled.

New claims 85-100 have been added.